

Date signed January 03, 2005



*Paul Mannes*

PAUL MANNES  
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at Greenbelt**

IN RE:	:	
	:	
JOSEPH SANFORD OWEN	:	Case No. 04-30921PM
	:	Chapter 13
Debtor	:	
-----	:	

**MEMORANDUM OF DECISION**

This case came before the court on the motions of the United States Trustee to dismiss this case with prejudice and to bar future filing without leave of court, and upon the motion for sanctions filed as to the conduct of Debtor's counsel. From a review of the record, it appears that the Debtor did not attend the initial Meeting of Creditors, nor did he attend the continued Meeting of Creditors. A motion to dismiss the case on account of Debtor's failure was filed December 7, 2004. A motion for relief from stay filed by AMC Mortgage Corp. states that Debtor has failed to make payments due after October 1, 2004, on a note secured by a deed of trust for the subject premises. While the court will not dismiss this case on the United States Trustee's motion, the case may well be dismissed for other reasons.

A review of the record also shows that the Debtor's lawyer, Charles M. Shryock, III, is the holder of the largest scheduled unsecured claim without priority. He holds \$7,500.00 of the \$8,800.00 of that class of claims so scheduled. This situation results in a deplorable conflict of interest between counsel and his client. This conflict will be cured by Mr. Shryock's undertaking to take no further fees in this case and not to file a proof of claim.

Appropriate orders will be entered.

cc:

Charles M. Shryock III, Esq., 9430 Lanham-Severn Road, Suite 205, Seabrook, MD 20706

Joseph S. Owen, 93125 Ogden Place, Seabrook, MD 20706

Timothy P. Branigan, Esquire, P.O. Box 1902, Laurel MD 20725-1902

United States Trustee, 6305 Ivy Lane, #600, Greenbelt MD 20770

**End of Memorandum**